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August 4, 2017

BY ECF and E-Mail

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007
Failla_NYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

Re: Price v. City of New York, et al., 15-CV-5871 (KPF)

Your Honor:

I am an Assistant Corporation Counsel in the New York City Law Department and the attorney assigned to represent the City of New York, Inspector Obe, and Selvena Brooks in the above-captioned matter. I write to provide an alternative service address for Sgt. DeJesus and Sgt. Shevitz.

Sgt. Raymond DeJesus, Shield No. 2738 and Sgt. Brian Shevitz, Shield No. 5114 can be served at NYPD Transit Bureau, 130 Livingston Street, 3rd Floor 11201, Attn: Sgt. Kwan.

Thank you for your time and consideration herein.

Respectfully submitted,
/S
Debra March
Assistant Corporation Counsel

cc: **VIA FIRST CLASS MAIL**
Kelly Price
Plaintiff Pro Se
534 W. 187th Street
Apt. 7
New York, N.Y. 10033

The Court is in receipt of this letter from Defendants' Counsel. (Dkt. #80). The Court understands that Plaintiff's prior attempts to serve Defendants Sgt. Raymond DeJesus and Sgt. Brian Shevitz at the address originally provided by Defendants' Counsel were unsucessful. (See Dkt. #78, 79).

Thus, to allow Plaintiff to effect service of the Fourth Amended Complaint (Dkt. #69) on Defendants Sgt. Raymond DeJesus, Shield No. 2738, and Sgt. Brian Shevitz, Shield No. 5114, the Clerk of Court is instructed to fill out new U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each of these defendants. Both can be served at: NYPD Transit Bureau, 130 Livingston Street, 3rd Floor, Brooklyn, New York 11201, Attn: Sgt. Kwan. The Clerk of Court is instructed to issue a summons and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service upon these two Defendants. Plaintiff is entitled to this assistance because, by Order dated August 6, 2015, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, *in forma pauperis*. (Dkt. #3).

It is Plaintiff's responsibility to inquire of the Marshals Service as to whether service has been made and, if necessary, to request an extension of time for service. Ultimately, the responsibility is with Plaintiff to ensure that service is made within 90 days of the date the summons is issued.

SO ORDERED.



Dated: August 4, 2017
New York, New York

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE

A copy of this Order was mailed by Chambers to:

Kelly Price
534 W. 187th Street Apt. 7
New York, N.Y. 10033